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VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Martinez v. 189 Chrystie Street Partners, LP d/b/a The Box et al.*
Civil Case No.: 1:22-cv-03111-VEC

Dear Judge Caproni:

We represent Defendants in the above-referenced action. We submit this letter, with Plaintiff's consent, to request an adjournment of the parties' Initial Conference currently scheduled for November 3, 2023 at 10:00 a.m. and an extension of the stay of Defendants' time to respond to Plaintiff's Motion for Leave to File her Third Amended Complaint (Dkt. Nos. 76-78; 87) until the new date for the parties' Initial Conference.

My colleague who is the primary handling attorney for this matter, Joan B. Lopez, Esq., is out as a result of her son being recently diagnosed with Respiratory Syncytial Virus or "RSV", which has now made her ill as well. Unfortunately, I am unable to attend in her stead because I have a court-ordered mediation scheduled for this Friday, November 3. To assist the Court with the rescheduling of the initial conference, the parties provide some dates for when they are available: 11/6, 11/7, 11/13, 11/15-11/17.

This is Defendants' first request for an adjournment of the Initial Conference and their first request for an extension of the stay of their time to respond to Plaintiff's Motion for Leave to File her Third Amended Complaint. This conference was previously adjourned twice upon request by Plaintiff. We are sensitive to the fact that this conference needs to proceed and do not anticipate the need for a future adjournment request on the part of Defendants.

We thank the Court for its time and attention to this matter.

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Respectfully,

/s/ Brian Pete

Brian Pete of
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc:

All counsel of record (via ECF)

Application GRANTED. The initial pretrial conference is ADJOURNED to **Friday, November 17, 2023, at 10 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. Defendants' time to respond to the motion for leave to file an amended complaint is stayed through the initial pretrial conference.

SO ORDERED.



11/01/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE